

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, ET AL.

Plaintiff,

Civil Case No.: 11cv6360
FB/VVP

AFFIDAVIT

-against-

BENJAMIN YENTAL, M.D., ET AL.

Defendants.

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STATE OF NEW YORK)

COUNTY OF KINGS)

DAVID SAFIR, respectfully states, under the penalties of perjury, as follows:

1. I presently reside at 245 Exeter Street, Brooklyn, New York 11235. I have been living at this address for the past 6 years.
2. I was never served with a subpoena to testify as a non-party witness at a deposition in connection with the above captioned matter.
3. I have reviewed the alleged subpoena which indicates my address as 388 Avenue S, Apt. 4A, Brooklyn, New York 11223. I have further reviewed the Proof of Service submitted by the Plaintiff. This proof of service indicates that one Lisa Cohen Loew attached to the door and later mailed a copy of the alleged subpoena to the address of 388 Avenue S, Apt. 4A, Brooklyn, New York 11223. However, I have not lived at this address for the past 6 years.
4. I have attached to my affidavit proof that I do not reside at 388 Avenue S, Apt. 4A, Brooklyn, New York 11223 and did not reside there on 9/12/12, which is the date the plaintiff allegedly attempted

service of the subpoena on me.



DAVID SAFIR

Sworn to before me on the 6th

day of December, 2012



NOTARY PUBLIC

Michelle Chmelev
Notary Public State of New York
Registration No. 01CH6269672
Qualified in Kings County
Commission Expires October 1, 2016

